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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,725	09/25/2003	Michael Charles Green	5302-007-US01	6433
23517 7590 09/03/2008 BINGHAM MCCUTCHEEN LLP 2020 K Street, N.W. Intellectual Property Department WASHINGTON, DC 20006				
EXAMINER ZHU, BO HUI ALVIN				
ART UNIT		PAPER NUMBER		
2619				
MAIL DATE		DELIVERY MODE		
09/03/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/669,725

Applicant(s)

GREEN ET AL.

Examiner

BO HUI A. ZHU

Art Unit

2619

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 9, 10, 12 and 13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 9, 10, 12 and 13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. The amendment filed with RCE on June 19, 2008 has been entered.

Claims 1 – 6, 9, 10, 12 and 13 are pending.

Claims 1 – 6, 9, 10, 12 and 13 are rejected.

The claim objections to claims 9, 12 and 13 have been withdrawn in view of the amendment to the claim.

Claim Objections

2. Claim 1 is objected to because it contains typographical errors and other minor informalities:

"TL I message" should be "TL 1 message";

"an original a TL 1 message" should be "an original TL 1 message";

"session ID" is suggested to be changed to "session identifier" in order to be consistent with the other recitations for the same subject matter in the claim.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1 – 6, 9, 10, 12 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

(1) with regard to claim 1:

The limitation "the network element identifier" as recited in "forwarding a modified response including the network element identifier" lacks proper antecedence basis.

All of the dependent claims of claim 2 are rejected as well for at least the same reasons.

(2) with regard to claim 2:

It is not clear which TL 1 message the limitation "the TL 1 message" refers to. The claim introduces at least two TL 1 messages, i.e. "a modified TL 1 message" and an original TL 1 message". Also the subject matter "an extension network element" has been introduced in the parent claim of claim 2, therefore, it is not clear whether the two "extension network element" are referring to the same element or not.

All of the dependent claims of claim 2 are rejected as well for at least the same reasons.

(3) with regard to claim 5:

The limitation "the session identifier included in the response" lacks proper antecedence basis. The claim only recites a session identifier in a command message (line 5).

All of the dependent claims of claim 5 are rejected as well for at least the same reasons.

(4) with regard to claim 10:

The limitation "a network element" was introduced twice. It is not clear whether the two network elements are referring to the same network element or not.

The limitation "the extension network element identifier of the response" lacks proper antecedence basis. The claim only recites a session identifier in a command message.

The limitation "the network element is configured to: determined a port to transmit the response" is confusing because the claim recites it is the extension network element that transmits the response to the network element.

The claim language "receive *modified command messages* from the network element that *includes* a session identifier in *a field of the modified command messages*" contains grammatical error, i.e. it is not clear whether there is only one modified command message or more than one modified command message; and what is meant by a field of the modified command messages.

The limitation "forward modified responses" (on page 5) lacks proper antecedence basis. The claim only recites one response being modified.

All of the dependent claims of claim 10 are rejected as well for at least the same reasons

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BO HUI A. ZHU whose telephone number is (571)270-1086. The examiner can normally be reached on Mon-Thur 10am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on (571)272-3088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BZ
Examiner
August 27, 2008

/Hassan Kizou/
Supervisory Patent Examiner, Art Unit 2619